

## RESOLUTION

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RELATING TO QUALIFICATIONS FOR THE NOMINATION AND APPOINTMENT OF PUBLIC TRANSIT AUTHORITY BOARD MEMBERS.

WHEREAS, on December 16, 2009, the city council adopted Resolution 09-252, CD1, which proposed amendments to the Revised Charter of the City and County of Honolulu 1973, as amended ("charter"), via the following question:

"Shall the revised City Charter be amended to create a semi-autonomous public transit authority responsible for the planning, construction, operation, maintenance, and expansion of the City's fixed guideway mass transit system?";

and

WHEREAS, on general election day, November 2, 2010, over 63 percent of those casting votes ratified these charter amendments to create a public transit authority ("PTA") effective July 1, 2011; and

WHEREAS, the creation of a PTA includes the establishment of a ten-member board of directors ("board"), which shall consist of nine voting members (seven appointed and two ex-officio) and one non-voting member (one ex-officio); and

WHEREAS, among its powers, duties, and functions, the PTA board shall:

1. Authorize the issuance of revenue bonds, subject to council approval;
2. Establish qualifications for, appoint, and remove an executive director;
3. Annually evaluate and report to the mayor and council on the performance of the executive director;
4. Review, modify as necessary, and adopt annual operating and capital budgets submitted by the executive director, as well as a six-year capital program within six months of the creation of the PTA;
5. Determine the policy for the planning, construction, operation, maintenance, and expansion of the fixed guideway system;
6. Prescribe and enforce rules and regulations having the force and effect of law to carry out charter provisions; and



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7. Submit an annual report to the mayor and council on its activities;

and

WHEREAS, the ten-member PTA board shall consist of seven appointed members and three ex-officio members; and

WHEREAS, of the seven appointed board members, three shall be appointed by the mayor, three shall be appointed by the council, and one shall be appointed by the majority vote of the other six appointed members plus the two ex-officio voting members; and

WHEREAS, language in the PTA charter amendments is silent regarding the qualifications of potential board members; and

WHEREAS, the council finds that objective and relevant qualifications are necessary to ensure that appointees to the PTA board are fully able to assume and execute the powers, duties, and functions required of board members; and

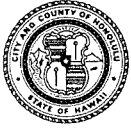
WHEREAS, in addition to qualifications, the council finds that ethical considerations regarding conflicts of interest should play a role in the appointment process; and

WHEREAS, on November 2, 2010, Honolulu voters also ratified the following charter amendment proposal relating to conflicts of interest:

“Shall the revised City Charter be amended to prohibit a newly-appointed city officer, for a period of twelve months from the start of the officer’s current employment with the city, from participating in or making any decision with respect to any city matter with which he or she was directly involved while working for a private entity in the twelve-month period immediately preceding the start of the officer’s current city employment and where such prior involvement on behalf of a private entity may tend to impair the independence of judgment in the performance of the officer’s official duties?” (amendment to Section 11-102, RCH);

and

WHEREAS, while Section 17-118 of the charter, establishing the Public Transit Authority, provides that Article XI of the charter (Standards of Conduct) shall be



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applicable to the authority, Section 11-102.2 of the charter, prohibiting newly appointed city officers for a period of twelve months from participating in or making any decision with respect to any city matter with which he or she was directly involved while working for a private entity, excludes from that prohibition any member of a board or commission who is not the administrative head of an agency; and

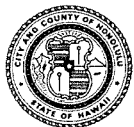
WHEREAS, the council finds that the consideration of minimum qualifications and potential conflicts of interest in appointing board members will increase the likelihood that the PTA board will be able to effectively carry out its duties; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the council-appointed members of the Public Transit Authority board be free of actual or potential conflicts of interest, and be nominated and appointed based on their demonstrated knowledge, expertise and experience in relevant areas, including but not limited to one or more of the following:

1. Transit operations;
2. Construction management;
3. Financial management and risk assessment;
4. Land use planning; and
5. Property development and management;

and

BE IT FURTHER RESOLVED that the mayor is urged to likewise consider these qualifications and potential conflicts of interest in appointing members to the Public Transit Authority board; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 11-30, CD1

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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the mayor, the managing director, the director of the department of transportation services, and the council chair.

INTRODUCED BY:

Breene Harimoto

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DATE OF INTRODUCTION:

February 1, 2011  
Honolulu, Hawaii

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Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

**RESOLUTION 11-30, CD1**

Introduced: 02/01/11 By: BREENE HARIMOTO

Committee: TRANSPORTATION  
AND TRANSIT  
PLANNING

Title: RESOLUTION RELATING TO QUALIFICATIONS FOR THE NOMINATION AND APPOINTMENT OF PUBLIC  
TRANSIT AUTHORITY BOARD MEMBERS.

Links: [RES11-30](#)  
[RES11-30, CD1](#)  
[CR-56](#)

Voting Legend: Y= Aye, Y\* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

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TRANSPORTATION AND TRANSIT PLANNING	02/09/11	CR-56 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN <u>CD1</u> FORM.
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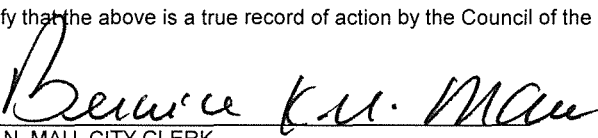
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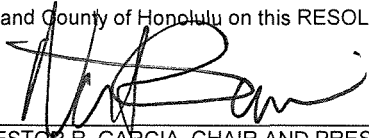
COUNCIL	02/23/11	CR-56 AND RESOLUTION 11-30, CD1 WERE ADOPTED.
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ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

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I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
BERNICE K. N. MAU, CITY CLERK

  
NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER